

**INDEX OF DOCUMENTS FILED
WITH REMOVAL ACTION**

**FELICIA ROBINSON AND TONY WOFFORD V.
JAMES HEUER AND JOHN/JANE DOE**

- (a) Plaintiffs' Original Petition;
- (b) Request for Citation on James Heur;
- (c) Executed Citation on James K. Heuer in New Jersey;
- (d) Letter from counsel for James K. Heuer in New Jersey regarding incorrect service on James K. Heuer in New Jersey;
- (e) Executed Citation on James K. Heuer in Illinois;
- (f) Defendant James K. Heuer's Original Answer;
- (g) Defendant James K. Heuer's Demand for Jury Trial; and
- (h) Docket Sheet

Exhibit B

3/2/2020 8:25 AM
Marilyn Burgess - District Clerk Harris County
Envelope No. 41278211
By: Rhonda Momon
Filed: 3/2/2020 8:25 AM

2020-13904 / Court: 080

NO. _____

FELICIA ROBINSON and TONY
WOFFORD
Plaintiffs,

§
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IN THE DISTRICT COURT

V.

____ JUDICIAL DISTRICT

JAMES HEUR and JOHN / JANE
DOE
Defendant.

OF HARRIS COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION WITH REQUEST FOR DISCLOSURES**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COME, FELICIA ROBINSON and TONY WOFFORD, hereinafter called
Plaintiffs, complaining of and about JAMES HEUR and JOHN / JANE DOE and, hereinafter
called Defendants, and for cause of action show unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiffs affirmatively plead that they seek monetary relief over \$200,000.00 but
not more than \$1,000,000.00, and intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, FELICIA ROBINSON, is an individual who resides in Harris County,
Texas.

3. Plaintiff, TONY WOFFORD, is an individual who resides in Harris County, Texas.

4. Defendant, JAMES HEUR, an individual who is a resident of Texas, may be served
with process at his home at the following address: 634 Wood Smoke Drive, Houston, TX 77075.
Service of said Defendant as described above can be effected by personal delivery.

DATE SERVED 4 15 2020

Exhibit B

5. Defendant, JOHN / JANE DOE, an individual whose identity is not yet known. Service of said Defendant can be effected by personal delivery once additional information becomes available to perfect service.

JURISDICTION AND VENUE

6. The subject matter in controversy is within the jurisdictional limits of this court.

7. This court has jurisdiction over the parties because Defendants are Texas residents.

8. Venue in Harris County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

9. On April 29, 2018, Plaintiffs' FELICIA ROBINSON and TONY WOFFORD were traveling on I-45 South as passengers, when Defendant, JOHN / JANE DOE driving a vehicle owned by Defendant JAMES HEUR failed to maintain a reasonable speed and distance between vehicles and suddenly and without rear-ended with the Plaintiffs' vehicle. Defendant, JAMES HEUR or JOHN / JANE DOE then failed to stop at the scene of the accident and left before police arrived. As a result of this accident, Plaintiffs' sustained serious personal injuries for which they had to seek the care of medical professionals.

PLAINTIFFS' CLAIM OF NEGLIGENCE AGAINST JAMES HEUR

10. Defendant JAMES HEUR had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

Exhibit B

11. Plaintiffs' injuries were proximately caused by Defendant JAMES HEUR's negligent, careless and reckless disregard of said duty.

12. The negligent, careless and reckless disregard of duty of Defendant JAMES HEUR consisted of, but is not limited to, the following acts and omissions:

- A. Failure to keep such lookout as a person of ordinary prudence would have kept under the same or similar circumstances;
- B. Failure to maintain a reasonable safe and prudent rate of speed;
- C. Failure to maintain a reasonable safe and prudent distance;
- D. Driver inattention; and
- F. Failure to stop and give information.

**PLAINTIFFS' CLAIM OF NEGLIGENCE
AGAINST JOHN / JANE DOE**

13. Defendant JOHN / JANE DOE had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

14. Plaintiffs' injuries were proximately caused by Defendant JOHN / JANE DOE's negligent, careless and reckless disregard of said duty.

15. The negligent, careless and reckless disregard of duty of Defendant JOHN / JANE DOE consisted of, but is not limited to, the following acts and omissions:

- A. Failure to keep such lookout as a person of ordinary prudence would have kept under the same or similar circumstances;
- B. Failure to maintain a reasonable safe and prudent rate of speed;
- C. Failure to maintain a reasonable safe and prudent distance;

Exhibit B

- D. Driver inattention; and
- F. Failure to stop and give information.

NEGLIGENT ENTRUSTMENT OF JAMES HEUR

16. Plaintiff incorporates all preceding paragraphs by reference as if set forth in full herein.

17. On April 29, 2018, Defendant JAMES HEUR was the owner of the vehicle operated by Defendant JOHN / JANE DOE.

18. Defendant, JAMES HEUR entrusted said vehicle to Defendant JOHN / JANE DOE, a reckless and incompetent driver.

19. Defendant, JAMES HEUR, knew, or through the exercise of reasonable care should have known, that Defendant JOHN / JANE DOE, was a reckless and incompetent driver.

20. As described herein, Defendant JOHN / JANE DOE was negligent on the occasion in question.

21. Defendant JOHN / JANE DOE's negligence was the proximate cause of Plaintiffs' damages.

DAMAGES FOR PLAINTIFF, FELICIA ROBINSON

22. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, FELICIA ROBINSON, was caused to suffer personal injuries, and to incur the following damages:

- A. The physical pain and mental anguish in the past and future;
- B. The reasonable and necessary costs for medical care and treatment, including doctors, hospitals, nurses, medicines, and other services and supplies in the past and future;

- C. Physical impairment in the past and future;
- D. The physical pain and suffering in the past and future; and
- E. Physical disfigurement in the past and future.

DAMAGES FOR PLAINTIFF, TONY WOFFORD

23. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, TONY WOFFORD, was caused to suffer personal injuries, and to incur the following damages:

- A. The physical pain and mental anguish in the past and future;
- B. The reasonable and necessary costs for medical care and treatment, including doctors, hospitals, nurses, medicines, and other services and supplies in the past and future;
- C. Physical impairment in the past and future;
- D. The physical pain and suffering in the past and future; and
- E. Physical disfigurement in the past and future.

GROSS NEGLIGENCE/EXEMPLARY DAMAGES

24. The conduct of the Defendants, by fleeing the scene of an accident without stopping and giving information in connection with the collision in question, constitutes gross negligence that was a proximate cause of the collision in question, and Plaintiffs' injuries and damages. When viewed objectively, Defendants' conduct involved an extreme degree of risk, considering the probability and magnitude of harm to others. Defendants were subjectively aware of and knew of this extreme risk, but nevertheless proceeded with conscious indifference to the rights, safety, and welfare of others, including Plaintiffs. Plaintiffs are entitled to recover punitive damages, pursuant to § 41.003(a) (2) and (3) of the Texas Civil Practice and Remedies Code and Article XVI, § 26 of the Texas Constitution. Because Defendants are guilty of gross negligence that proximately

Exhibit B

caused the personal injuries to Plaintiff, they should have exemplary damages assessed against them and awarded to Plaintiff in an amount deemed proper by the jury.

NOTICE OF USE

25. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Defendant is hereby notified that Plaintiffs intends to use all documents produced by Defendant in response to written discovery in pretrial proceedings and trial. Defendant is required to assert any objection to the authenticity of any document Plaintiff's produce within ten days of its production.

REQUEST FOR DISCLOSURE

26. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Plaintiffs request that each and every Defendant disclose, within fifty (50) days of service of this request, the information and material described in Rule 194.2(a) through (l).

DESIGNATED E-SERVICE EMAIL ADDRESS

27. The following is the undersigned attorney's designated e-Service email address for all e- served documents and notices, filed and unfiled, pursuant to Tex. R. Civ. P. 21(f)(2) & 21a: Litigation@TheHadiLawFirm.com. This is the undersigned's only e-Service email address, and service through any other email address will be considered invalid.

REQUEST FOR DEPOSITION DATES

28. Pursuant to Rule 199 of the Texas Rules of Civil Procedure, Plaintiff request that each and every Defendant disclose, within fifty (50) days of service of this request, dates that Defendant is available for Plaintiff to take Defendant's deposition.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, FELICIA ROBINSON and TONY WOFFORD, respectfully pray that the Defendants be cited to appear and answer herein,

Exhibit B

and that upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendants for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

Respectfully submitted,

THE HADI LAW FIRM, PLLC

By: 

Husein Hadi

Texas Bar No. 24067641

Jamil Thomas

Texas Bar No. 24066914

Carnegie H. Mims, III

Texas Bar No. 24046448

Sedrick Stagg

Texas Bar No. 24102815

7100 Regency Square Boulevard, Suite 140

Houston, Texas 77036

Tel: (832) 433-7977

Fax: (855) 423-4529

litigation@thehadilawfirm.com

Attorneys For Plaintiffs

PLAINTIFFS HEREBY DEMANDS TRIAL BY JURY

FILED ON: March 2, 2020

Exhibit B

2020-13904 / Court: 080

CIVIL PROCESS REQUEST

CASE NUMBER: _____ CURRENT COURT: _____TH

TYPE OF INSTRUMENT TO BE SERVED: Plaintiff's Original Petition With Requests for Disclosure

SERVICE TO BE ISSUED ON:

1. NAME: James Heur
ADDRESS: 634 Wood Smoke Drive
Houston, TX 77075
TYPE OF SERVICE: Citation

SERVICE BY: **Private process service: AFTER CITATION IS COMPLETED, PLEASE PUT IN BOX 243 FOR Praetorian Protective Services Corporation.**

ATTORNEY REQUESTING SERVICE:

Husein Hadi, SBN: 24067641, The Hadi Law Firm, 7100 Regency Square Blvd., Suite 140, Houston, Texas 77036, Ph: 832-433-7977, Fax: 855-423-4529, litigation@TheHadiLawFirm.com

Exhibit B3/25/2020 2:08 PM
Marilyn Burgess - District Clerk Harris County

Envelope No. 41917182

By: Keeley Hodgins

Filed: 3/25/2020 2:08 PM

AFFIDAVIT ATTACHED

CAUSE NO. 202013904

RECEIPT NO. 895410

0.00

CIV

TR # 73731851

PLAINTIFF: ROBINSON, FELICIA
vs.
DEFENDANT: HEUR, JAMESIn The 80th
Judicial District Court
of Harris County, Texas
80TH DISTRICT COURT
Houston, TX

CITATION

THE STATE OF TEXAS
County of Harris

TO: HEUR, JAMES

634 WOOD SMOKE DRIVE HOUSTON TX 77075

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSUREThis instrument was filed on the 2nd day of March, 2020, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 5th day of March, 2020, under my hand and seal of said Court.

Issued at request of:HADI, HUSEIN
7100 REGENCY SQUARE BLVD, STE
140
HOUSTON, TX 77036
Tel: (832) 433-7977
Bar No.: 24067641*Marilyn Burgess*MARILYN BURGESS, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)

Generated By: CHAMBERS, WANDA ULW//11451955

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock ____M., on the _____ day of _____, ____.

Executed at (address) _____ in

_____ County at _____ o'clock ____M., on the _____ day of _____,

_____, by delivering to _____ defendant, in person, a

true copy of this Citation together with the accompanying _____ copy(ies) of the Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this _____ day of _____, ____.

FEE: \$ _____

_____ of _____ County, Texas

By _____
Affiant Deputy

On this day, _____, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____, ____.

Notary Public

N.INT.CITR.P

73731851

AFFIDAVIT ATTACHED

Exhibit B

The 80th Judicial District Court of Harris County Texas



6876

AFFIDAVIT OF SERVICE

Index no :2020-13904

Plaintiff(s):	Felicia Robinson
Defendant(s):	James Heur

STATE OF NEW JERSEY

ss.:

Michael Rinsky, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the state of New Jersey.

On **03/19/2020** at **6:15 PM**, I served the within **Citation and Petition** on **James Heur** at **875 Newton St., North Brunswick, NJ08816** in the manner indicated below:

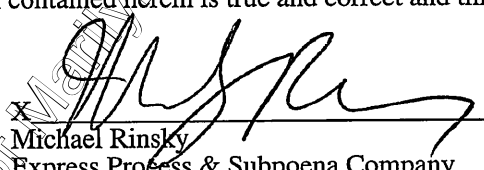
INDIVIDUAL: by delivering thereat a true copy of each to said recipient personally; deponent knew the person so served to be the person described herein by deponent asking the person if he or she is the named Recipient and the person responding that he or she is in fact the person named in this action as the Recipient.

A description of the Recipient, or other person served on behalf of the Recipient is as follows:

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Male	Caucasian	Gray	62	5'9 - 6'0"	Over 200 lbs
Other Features: Beard					

I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on March 20, 2020.

Sworn to and subscribed before me on
March 20, 2020

x 
 Michael Rinsky
 Express Process & Subpoena Company
 759 Bloomfield Ave., PMB 323
 West Caldwell, NJ 07006
 973-364-1220


 Sondra Rinsky
 Notary Public, State of New Jersey
 My commission Expires June 12, 2024
 Essex

SONDRA D. RINSKY
 NOTARY PUBLIC OF NEW JERSEY
 Commission # 50103886
 My Commission Expires 6/12/2024

Exhibit B

P-2

Kelso & Burgess
Attorneys at Law

Thomas F. Kelso
tkelso@kelsoburgess.com
Jennifer A. Burgess
jenburgess@aol.com
Kurt J. Trinter
kttrinter@kelsoburgess.com

John

132 HAMILTON STREET
P.O. BOX 1208
NEW BRUNSWICK, NJ 08903

(732) 246-4501
FAX (732) 246-4347

April 6, 2020

DELIVERY VIA EMAIL TO: litigation@thehadilawfirm.com
AND VIA REGULAR MAIL:

THE HADI LAW FIRM, PLLC
ATTN: Hussein Hadi, Esq.
7100 Regency Square Blvd., Suite 140
Houston, Texas 77036

RE: FELICIA ROBINSON et al v. JAMES HEUR et al
Civil Action No. 2020-13904/Court: 080

Dear Mr. Hadi:

I am writing this letter on behalf of my client, James K. Heuer, who is a resident of North Brunswick, New Jersey, as it relates to a copy of a "Citation" he received recently, together with a copy of a Complaint filed by your office on behalf of a Felicia Robinson and Tony Worfford, in which you list the Defendant as being named "James Heur" (different spelling). Apparently, this litigation arises out of a motor vehicle accident which occurred in Texas. In fact, you list the Defendant, "James Heur", as having an address in Texas. I can only assume that your office obtained this Texas address and this party's first/last name via a police accident report.

That being said, I am not quite sure how you obtained my client's address in North Brunswick, New Jersey, but clearly he has been served with the "Citation" and Complaint in error. First and foremost, the spelling of his last name differs from your Defendant. Secondly, he has never resided in nor has he ever visited the State of Texas, much less been involved in an accident in Texas. If you require an Affidavit from my client attesting to the foregoing, I would be happy to oblige. However, in that regard, I would also ask that you furnish my office with the police accident report and any other information/documentation you have or obtained which led you to believe that the appropriate Defendant in this matter is, in fact, my client.

While I do not believe any further action on my part is necessary, again, I would be happy to provide you with an Affidavit, if that is what you would require. Otherwise, I would ask that you adjust your records accordingly and provide me with verification, in writing, that you will take no further action in relation to this claim as against my client, James K. Heuer of 875 Newton Street, North Brunswick, NJ 08902.

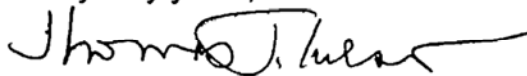
RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

FILED
MARILYN BURGESS
DISTRICT CLERK
HARRIS COUNTY, TEXAS
2020 APR 13 AM 10:20
MAIL PROCESSING DEPUTY C
4-13-2020

Exhibit B

Thank you for your time and attention to this matter.

Very truly yours,



THOMAS F. KELSO

TFK:jk

cc: Marilyn Burgess, District Clerk – Reg. Mail Only

cc: Mr. James K. Heuer – Reg. Mail Only

Unofficial Copy Office of Marilyn Burgess District Clerk

Exhibit B

4/20/2020 6:06 PM
 Marilyn Burgess - District Clerk Harris County
 Envelope No. 42431162
 By: Keeley Hodgins
 Filed: 4/20/2020 6:06 PM

AFFIDAVIT ATTACHED

CAUSE NO. 202013904

RECEIPT NO. 899324

0.00

EML

TR # 73742354

PLAINTIFF: ROBINSON, FELICIA
 vs.
 DEFENDANT: HEUR, JAMES

In The 80th
 Judicial District Court
 of Harris County, Texas
 80TH DISTRICT COURT
 Houston, TX

CITATION

THE STATE OF TEXAS
 County of Harris

TO: HEUR, JAMES

634 WOOD SMOKE DRIVE HOUSTON TX 77075

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION WITH REQUEST FOR DISCLOSURES

This instrument was filed on the 2nd day of March, 2020, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 14th day of April, 2020, under my hand and seal of said Court.

Issued at request of:

HADI, HUSEIN
 7100 REGENCY SQUARE BLVD, STE
 140
 HOUSTON, TX 77036
 Tel: (832) 433-7977
 Bar No.: 24067641



Marilyn Burgess
 MARILYN BURGESS, District Clerk
 Harris County, Texas
 201 Caroline, Houston, Texas 77002
 (P.O. Box 4651, Houston, Texas 77210)
 Generated By: THOMAS, LISA BE9//11478801

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at 10:05 o'clock A.M., on the 14th day of April, 2020.

Executed at (address) 220 Fawn Ridge Mazamb PL 61455 in
McDonough County at 2:37 o'clock P.M., on the 15th day of April,
2020, by delivering to James R. Heuer defendant, in person, a

true copy of this Citation together with the accompanying 1 copy(ies) of the Petition
 Plaintiff's Original Petition with Request for Disclosures
 attached thereto and I endorsed on said copy of the Citation the date of delivery.
 To certify which I affix my hand officially this 15th day of April, 2020.

FEE: \$ _____

_____ of _____ County, Texas

By _____
 Deputy

On this day, Donald J. Yocum, known to me to be the person whose
 signature appears on the foregoing return, personally appeared. After being by me duly sworn,
 he/she stated that this citation was executed by him/her in the exact manner recited on the
 return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this 15th day of April, 2020.

Lisa R. Petentler
 Notary Public

AFFIDAVIT ATTACHED

N.INT.CITR.F

73742354

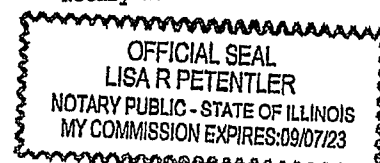


Exhibit B

IN THE CIRCUIT COURT OF THE 60th JUDICIAL CIRCUIT
Harris COUNTY, ILLINOIS Texas

AFFIDAVIT OF SERVICE OF PROCESS

Name James R New Docket # 2020-13904

I, Donald J. Yacum, a Private Detective licensed in the
 State of Illinois, do hereby swear and affirm that I served the attached process in
 accordance with ILCS 5/2-203 by:

- ☒ (a) Individual defendants- personal:
 By leaving a copy of the process with the above-named subject.
- ☐ (b) Individual defendants- abode:
 By leaving a copy of this process at his/her usual place of abode with
_____, a person residing therein who is of the age of
13 years or upwards and informed that person of the contents thereof and that further
 mailed a copy of this process in a sealed envelope with postage paid addressed to the
 defendant at his/her usual place of abode on _____.
- ☐ (c) Corporation defendant:
 By leaving a copy and a copy of the complaint with the registered agent, officer or
 agent of each defendant corporation.
 Left with: _____ Title: _____
- ☐ (d) Other service: _____
- ☐ (e) Not Found: Reason: _____
- ☐ (f) Posted at Address, Courthouse, City Hall County Building, and Mailed. Other _____

Description of person documents were left with:
Spouse Child Parent Sibling Roommate Paramour Other
 Sex M Race W Approximate age 50 Hair Balding

Location served: 220 Fawn Ridge Maroon, IL 61455

Date and time process served/attempted: 04/15/2020 @ 2:37 A.M. R.M.

Donald J. Yacum
 Private Detective

Potentler Investigations
 Galesburg, Illinois
 (309) 368-6044

Felicia Robinson :

Tony Wofford

Plaintiff

James R New

Defendant

Service Fee _____

Mileage _____

Printing _____

TOTAL _____

Documents Served:

- ☐ Summons (☐ Alias)
- ☐ Complaint
- ☐ Complaint for Forcible Entry & Detainer
- ☐ Notice of Hearing
- ☒ Petition Plaintiffs original with Request for Disclosures
- ☒ Other citation Crash Report CR-3
- ☐ 5-Day Notice ☐ 10-Day Notice ☐ 30-Day Notice ☐ Witness Fee _____ Check # _____

Subscribed and sworn to before me
 this 15th day of April, 2020.

Lisa R. Poterley
 Notary Public



- ☐ Subpoena
- ☐ Rule to Show Cause
- ☐ Citation to Discover Assets
- ☐ Non-wage Garnishment
- ☐ Wage Deduction Notice

CAUSE NO. 2020-13904

FELICIA ROBINSON AND	§	IN THE DISTRICT COURT OF
TONY WOFFORD	§	
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
JAMES HEUR AND JOHN/JANE DOE	§	80TH JUDICIAL DISTRICT

DEFENDANT'S ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant **JAMES HEUER (incorrectly named as “James Heur”)** files this Answer to Plaintiffs’ Petition and all subsequent supplemental and/or amended petitions filed against her and would respectfully show the Court and Jury as follows:

I.

Pursuant to the provisions of Rule 92 of the Texas Rules of Civil Procedure, Defendant denies each and every, all and singular, the allegations contained in Plaintiffs’ Petition, and demands strict proof thereof.

II.

Defendant avers that he is not a proper party to this lawsuit. More specifically, Defendant was not the driver involved in the subject accident and was not the owner of the vehicle involved in the subject accident. Defendant further avers that he was the victim of identity theft and has filed reports with law enforcement agencies and credit bureaus accordingly. Defendant never purchased the vehicle involved in the subject accident. Defendant lives in Illinois and has continuously done so since he got out of the Navy in 1991. He has never lived in Texas and has never been involved in an automobile accident in Texas. Defendant is not even of the same race or in the same age group as the purported driver involved in the subject accident. Upon information and belief, Defendant

believes the name of the subject driver is “Christopher Edward Johnson.” For these reasons, Plaintiffs cannot recover any damages in the capacity in which Defendant has been sued.

III.

Defendant further asserts that Plaintiffs’ rights to recover medical expenses are limited by the provisions of TEX. CIV. PRAC. & REM. CODE §41.0105, to the extent the Plaintiffs’ health care providers billed more than was actually paid or incurred for Plaintiffs’ medical treatment.

IV.

Defendant asserts that the accident was proximately caused by the negligence of a third party over whom Defendant had no control.

V.

This accident was caused by the negligence of John Doe and/or Jane Doe for inattention while driving and rear-ending the vehicle occupied by Plaintiffs.

VI.

With respect to Plaintiffs’ negligence *per se* claim, that claim being expressly and wholly denied, Defendant would show that the statutory bases of such claim are not ones for which tort liability may be imposed when violated, do not establish or create a different standard than common law ordinary care, and, to the extent applicable, were not the proximate cause of Plaintiffs’ injuries when allegedly violated.

VII.

Pleading further and in the alternative, and with respect to Plaintiffs’ gross negligence/exemplary damages claim, that claim being expressly and wholly denied, Defendant would show that Plaintiffs’ injuries did not result from gross negligence attributable to Defendant.

VIII.

Pleading further and in the alternative, and with respect to the Plaintiffs' claim seeking punitive or exemplary damages herein, Defendant asserts the limitations of Chapter 41 of the Civil Practice and Remedies Code.

IX.

For any claims for punitive damages and/or prejudgment interest, Defendant invokes the limitations on punitive damages and prejudgment interest contained in Sections 41.007 and 41.008 of the Texas Civil Practices and Remedies Code. Pursuant to Section 41.008 of the Texas Civil Practices and Remedies Code, such limitations may not be known to the jury.

X.

Defendant asserts that he did not entrust his vehicle to John Doe and/or Jane Doe, a reckless and/or incompetent driver, as alleged by Plaintiffs. Defendant further denies that, to the extent applicable, he was aware that John Doe and/or Jane Doe, an allegedly reckless and/or incompetent driver, had possession of a vehicle registered in the name of Defendant.

XI.

Pleading further and in the alternative, Defendant would show that the occurrence in question, as well as the damages complained of, were proximately caused, in whole or in part, by the acts, omissions, fault, negligence, or other conduct of third parties or persons or entities over whom Defendant has no right of control nor for whom Defendant is legally responsible. Accordingly, Defendant is entitled to a jury instruction on sole proximate cause and new and independent or superseding cause.

XII.

Pleading further and in the alternative, Defendant would show that in the event he is found liable to Plaintiffs, any such liability being expressly denied, then, in that event, Defendant would

show that he is entitled to a reduction for the negligence, liability, fault, or other conduct which is attributable to any other party in accordance with the Doctrine of Comparative Fault or Causation as enunciated by the Supreme Court of the State of Texas.

XIII.

Pleading further and in the alternative, Defendant would show that in the event that he is found liable to Plaintiffs, any such liability being expressly denied, then, in that event, Defendant says that he is entitled to contribution, credit, and/or indemnity, as provided by the laws and statutes of the State of Texas, including, but not limited to, the provisions of Chapter 32 and Chapter 33 of the Texas Civil Practice and Remedies Code, as well as other applicable laws and statutes.

XIV.

Pleading further and in the alternative, Defendant would show that Plaintiffs failed to mitigate their damages as required under applicable law.

XV.

Defendant reserves the right to amend this Answer pursuant to the said Rules of Civil Procedure.

For these reasons, Defendant prays that he be released and discharged of the charges filed against him, that Plaintiffs take nothing by reason of this suit, and for such other and further relief to which Defendant may be justly entitled and for which Defendant will forever pray.

Exhibit B

Respectfully submitted,

GERMER PLLC



By: _____

GREGORY M. HOWARD

State Bar No. 24042989

ghoward@germer.com

2929 Allen Parkway, Suite 2900

Houston, Texas 77019

(713) 650-1313 – Telephone

(713) 739-7420 – Facsimile

**ATTORNEY FOR DEFENDANT,
JAMES HEUER**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on all counsel in accordance with Rules 21 and 21a of the Texas Rules of Civil Procedure, on this 11th day of May, 2020.



GREGORY M. HOWARD

Exhibit B

CAUSE NO. 2020-13904

**FELICIA ROBINSON AND
TONY WOFFORD**

VS.

JAMES HEUR AND JOHN/JANE DOE

§
§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

80TH JUDICIAL DISTRICT

UNSWORN VERIFICATION

I, James Heuer, 220 Fawn Rdg, Macomb, IL 61455, hereby swear and affirm that the facts contained within paragraph II of Defendant's Answer are true and correct.

By: _____

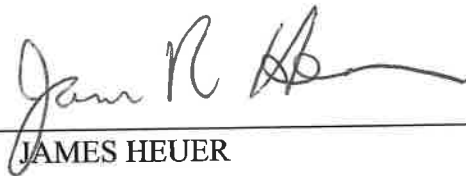

JAMES HEUER

Exhibit B**Envelope ID :42866804****Case Number : 202013904****Case Type**

Jurisdiction : Harris County - 80th Civil District Court	Case Category : Civil - Injury or Damage
Case Type : Motor Vehicle Accident	Filer Type : Attorney
Payment Account : File & ServeXpress CC	Attorney : Gregory Howard
Case Number : 202013904	
Client Matter ID : 101551	Date Filed : 5/11/2020 08:37:02 AM

Parties 5

Sending Party	Party Type	Name	Address
	Defendant / Respondent	DOE JANE	
	Defendant / Respondent	DOE JOHN	
<input checked="" type="checkbox"/>	Defendant / Respondent	HEUR JAMES	
	Plaintiff / Petitioner / Old Name	WOFFORD TONY	
	Plaintiff / Petitioner / Old Name	ROBINSON FELICIA	

Documents

Status	Filing Code	Filing Description	Original Document	Converted Document	Stamped Document	Optional Services	Document Category	Document Description	Fees
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Exhibit B

Status	Filing Code	Filing Description	Original Document	Converted Document	Stamped Document	Optional Services	Document Category	Document Description	Fees
Submitted cancel	Answer/Response / Waiver (Lead Document) Note to Clerk:	Defendant's Answer	ROBINSON-Answer.pdf				Answer to Original Petition	Defendant's Answer	\$0.00
	Answer/Response / Waiver (Attachments) Note to Clerk:	Defendant's Answer	ROBINSON-Unsworn Verification of James Heuer.pdf				Affidavits	Unsworn Verification of James Heuer	
Submitted cancel	No Fee Documents (Lead Document) Note to Clerk:	Demand for Jury Trial	ROBINSON-Jury Demand.pdf			Jury Fee(1 * \$40.00)	Jury Charge	Demand for Jury Trial	\$40.00

Responsible for Filing Fees : HEUR JAMES

Send Accepted Notifications To:

Service Contact 5

EServe	Name	Email Address	Address	Service Contact Fee	Public	Attached To	Status	Date Opened
No	Amber Zayas	azayas@germer.com			Yes	HEUR JAMES		Unopened
Yes	Christine Hernandez	chernandez@germer.com			Yes	HEUR JAMES	Sent	Unopened
No	Cynthia Wallace	cwallace@germer.com			Yes	HEUR JAMES		Unopened
No	Greg Howard	ghoward@germer.com			Yes	HEUR JAMES		Unopened
Yes	Husein Hadi	Litigation@thehadilawfirm.com			Yes	ROBINSON FELICIA	Sent	Unopened

Fees Calculation

Allowance Charge Reason	Amount
Case Initiation Fee(\$)	\$0.00
Filing Fee(\$)	\$0.00
Filing Fee(\$)	\$0.00

Exhibit B

Allowance Charge Reason	Amount
Optional Service Fee(\$)	\$40.00
Total Service Fees(\$)	\$0.00
Total Service Tax Fees(\$)	\$0.00
Convenience Fee(\$)	\$1.23
Total Provider Service Fees(\$)	\$2.24
Total Provider Tax Fees(\$)	\$0.18
Total Court Service Fees(\$)	\$0.00
Total Mail Service Fees(\$)	\$0.00
Total Fees(\$)	\$43.65

CAUSE NO. 2020-13904**FELICIA ROBINSON AND
TONY WOFFORD**§
§
§
§
§
§**IN THE DISTRICT COURT OF****VS.****HARRIS COUNTY, TEXAS****JAMES HEUR AND JOHN/JANE DOE****80TH JUDICIAL DISTRICT****DEMAND FOR JURY TRIAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **JAMES HEUER** (incorrectly named as “James Heur”), Defendant herein and demands a trial by jury. The requisite jury fee is being tendered with the filing of this demand.

WHEREFORE, PREMISES CONSIDERED, Defendant requests that the Court grant a trial by jury.

Respectfully submitted,

GERMER PLLC


By: _____

GREGORY M. HOWARD

State Bar No. 24042989

goward@germer.com

2929 Allen Parkway, Suite 2900

Houston, Texas 77019

(713) 650-1313 – Telephone

(713) 739-7420 – Facsimile

**ATTORNEY FOR DEFENDANT,
JAMES HEUER**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on all counsel in accordance with Rules 21 and 21a of the Texas Rules of Civil Procedure, on this 11th day of May, 2020.



GREGORY M. HOWARD

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	Defendant / Respondent	DOE JOHN	
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	Plaintiff / Petitioner / Old Name	ROBINSON FELICIA	

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Submitted cancel	No Fee Documents (Lead Document) Note to Clerk:	Demand for Jury Trial	ROBINSON-Jury Demand.pdf			Jury Fee(1 * \$40.00)	Jury Charge	Demand for Jury Trial	\$40.00

Responsible for Filing Fees : HEUR JAMES

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Total Court Service Fees(\$)	\$0.00
Total Mail Service Fees(\$)	\$0.00
Total Fees(\$)	\$43.65

Exhibit B**HCDistrictclerk.com**

ROBINSON, FELICIA vs. HEUR, JAMES

5/14/2020

Cause: 202013904

CDI: 7

Court: 080

APPEALS

No Appeals found.

COST STATMENTS

No Cost Statments found.

TRANSFERS

No Transfers found.

POST TRIAL WRITS

No Post Trial Writs found.

ABSTRACTS

No Abstracts found.

SETTINGS

No Settings found.

NOTICES

No Notices found.

SUMMARY**CASE DETAILS**

File Date	3/2/2020
Case (Cause) Location	
Case (Cause) Status	Active - Civil
Case (Cause) Type	Motor Vehicle Accident
Next/Last Setting Date	N/A
Jury Fee Paid Date	5/11/2020

CURRENT PRESIDING JUDGE

Court	080 th
Address	201 CAROLINE (Floor: 9) HOUSTON, TX 77002 Phone:7133686100
JudgeName	LARRY WEIMAN
Court Type	Civil

ACTIVE PARTIES

Name	Type	Post Attorney Jdgm
ROBINSON, FELICIA	PLAINTIFF - CIVIL	HADI, HUSEIN
HEUR, JAMES	DEFENDANT - CIVIL	HOWARD, GREGORY M
WOFFORD, TONY	PLAINTIFF - CIVIL	HADI, HUSEIN
DOE, JOHN	DEFENDANT - CIVIL	
DOE, JANE	DEFENDANT - CIVIL	
HEUER, JAMES (INCORRECTLY NAMED AS JAMES HEUR)	DEFENDANT - CIVIL	HOWARD, GREGORY M